

Appeal from letter decision of Wyoming State Office, Bureau of Land Management, rejecting oil and gas lease offers for parcel number WY 0363, etc.

Affirmed.

1. Oil and Gas Leases: Applications: Generally – Oil and Gas Leases: Applications: Drawings

43 CFR 3112.2-1 requires that simultaneous oil and gas drawing entry cards (DECs) be "signed and fully executed" by the applicant or his agent which includes identifying the leasing units on the DECs by correct parcel number. Strict compliance with the regulation is necessary and offers will be rejected where the applicant omits leading zeros from the parcel numbers on his DECs.

APPEARANCES: Bertram F. Rudolph, Jr., pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Bertram F. Rudolph, Jr., appeals from a letter decision of the Wyoming State Office, Bureau of Land Management (BLM), dated October 10, 1978, rejecting his simultaneous oil and gas lease offers for parcel numbers WY 0363, WY 0420, WY 0587, WY 0765, WY 0818, WY 0822, WY 0836, WY 0943, for failure to place the correct parcel number on the drawing entry cards (DECs) and returning the cards to him. Filing fees for the DECs were also returned to Rudolph by U.S. Treasury check which he has thus far declined to accept.

A public notice issued by the Wyoming State Office on August 21, 1978, reads as follows:

Effective with the August 21, 1978, List of Available Lands for Oil and Gas Leasing, the Wyoming State Office will begin processing drawing entry cards by the automated system.

Each parcel number will contain the prefix WY plus a four digit number. It is essential that WY plus all digit numbers, including leading zeros, be written on drawing entry cards as shown in the Lands Available List. In accordance with BLM Manual 1372, any drawing entry card which does not contain correct parcel numbers will be rejected.

Random selections of winners will be generated by the computer and the results will be made available to the public after the list is verified against the winning cards. [Emphasis added.]

Appellant submitted eight DEC's for parcels of land listed on the Notice of Lands Available for Oil and Gas Filings dated August 21, 1978. After reviewing appellant's DEC's, BLM notified appellant by letter that it was returning his rejected entry cards. As a basis for this rejection, BLM quoted its August 21, 1978, public notice, emphasizing that it is essential that WY plus all digit numbers, including leading zeros, be written on drawing entry cards as shown in the Lands Available List. BLM concluded the letter by adding:

We must follow the prescribed procedures in the accomplishment of the simultaneous oil and gas leasing program and a redrawing will not be held to include entry cards which did not contain correct parcel numbers. We are returning your rejected entry cards.

Appellant sent the DEC's which had been excluded from the August 1978 drawing back to BLM and requested that they be included in a redrawing of the parcel numbers involved. Appellant contends that the use of zeros had not been used previously by BLM and tended to confuse entrants who consider a zero to be an absence of a number. Even if the State Office had used zeros prior to this time, appellant alleges that his offers should not be disqualified for failure to include the zeros, because there are other means of identifying the parcels. Also, he says that an advance notice to entrants explaining the new system "was not in evidence."

On October 23, 1978, appellant filed his notice of appeal, reiterating that he did not receive notice of the new system. He points out that the Wyoming State Office may be contributing to confusion because 10 other state offices do not use numbered parcel identifiers leading with a zero.

[1, 2] 43 CFR 3112.2-1(a) requires that a drawing entry card be "signed and fully executed" by the applicant or his agent. This includes identifying the leasing unit on the drawing card by the correct parcel number. See, e.g., C. H. Coster Gerard, 41 IBLA 74 (1979) (omission of state prefix from the entry card); Richard Wheeler, Jr., 34 IBLA 359 (1978) (omission of state prefix from entry card); Henry A. Alker, 34 IBLA 136 (1978) (incorrect parcel number); Marcia P. Lane, 33 IBLA 68 (1977) (incorrect state prefix of parcel number). Strict compliance with the regulation is necessary and even a minor deviation or omission in the information required is sufficient to warrant rejection of the offer. C. H. Coster Gerard, *supra*, Thomas C. Moran, 32 IBLA 168, 169 (1977). Since appellant omitted the zeros from parcel numbers on his DEC's they were not fully executed as required by 43 CFR 3112.2-1(a) and must be rejected.

Appellant's argument that he did not receive advance notice of the new system is without merit. Appellant is required by 43 CFR 3112.2-1(a) to enter properly the parcel number on the DEC the way it is listed on the Notice of Lands Available for Oil and Gas Filings. C. H. Coster Gerard, *supra*, at 75. The August 21, 1978, list clearly shows a leading zero in the parcel numbers for the lands in issue.

Also, it is of no significance that 10 other state offices do not have parcel numbers with leading zeros. The Wyoming State Office is free to establish the parcel numbering system it feels is the most efficient for its purposes.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed and appellant's Check No. 11,217,872 is returned to BLM for appropriate action.

Anne Poindexter Lewis
Administrative Judge

We concur.

Joseph W. Goss
Administrative Judge

Douglas E. Henriques
Administrative Judge

